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IN THE

Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-690

ANONYMOUS, *Petitioner,*

v.

HENRY A. KISSINGER,
Secretary of State, *et al.*,

On Petition for a Writ of Certiorari to
The United States Court of Appeals for
The District of Columbia Circuit

REPLY BRIEF FOR PETITIONER

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March 12, 1975

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REPLY BRIEF FOR PETITIONER

The Government, in its brief in opposition, attempts to show the correctness of the decision below but instead does the opposite. Moreover, the Government nowhere challenges petitioner's showing that the questions involved are extremely important and far-reaching.

The Government's argument on the merits is that whenever the subject matter of an inquiry is relevant to the qualifications of an applicant for employment (or a government license), the applicant must "truthfully and fully" answer every question put to him. (Op. Cert. at 5.) The

cases cited, if at all pertinent here, support the opposite position. In the *Koningsberg*[1] and *Law Students*[2] cases, the Court held that although the subject matter of the inquiry – knowing membership in organizations supporting the violent overthrow of the government – was relevant to the application for bar admission, general questions about membership in such organizations as the Communist Party were impermissible because they were unduly intrusive into protected areas of associational privacy.

That is the very point petitioner has made: Even in areas into which the Government may legitimately inquire, it may not range at will; it must precisely tailor its inquiries to avoid unnecessary intrusion into personal privacy. *Cf. Shelton v. Tucker*, 364 U.S. 479 (1960).

Petitioner accordingly urges that the Court grant the petition for certiorari and, on the merits, apply the principle of the Bar Admission cases to applications for Government employment.

The Court should also reject the Government's suggestion (Op. Cert. at 5 n. 3) an applicant gives a "false" answer if, having briefly consulted a psychiatrist with

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[1] Koningsberg v. State Bar, 366 U.S. 36 (1961).

[2] Law Students Research Council v. Wadmond, 401 U.S. 154 (1971), cited by the Government, decided with Baird v. State Bar, 401 U.S. 1 (1971), and In re Stollar, 401 U.S. 23 (1971).

minor complaints relating to anxiety, he has answered "No" to the question whether he had "ever had medical treatment for a mental condition."

Respectfully submitted,

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